

19880711

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

MONDAY, JULY 11, 1988

AT 2:00 P.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor McColl at 2:06 p.m.
Deputy Mayor McColl adjourned the meeting at 4:30 p.m. to meet in
Closed Session on Tuesday, July 12, 1988, at 9:30 a.m. in the
twelfth floor conference room on meet and confer issues.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-excused by R-271489 (City
business in U.S.S.R.)
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (jb)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-not present
- (3) Council Member McColl-present
- (4) Council Member Pratt-not present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-present

ITEM-10: INVOCATION

Invocation was given by Reverend Lynnea E. Lindsey of
the Kensington Community United Church of Christ.

FILE LOCATION: MINUTES

Jul-11-1988

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Struiksma.

FILE LOCATION: MINUTES

ITEM-30: GRANTED HEARING

Matter of the request of Qualcomm, Inc., by Harvey P. White, Executive Vice President, for a hearing of an appeal from the decision of the Board of Zoning Appeals in partially granting Case C-19865, (1) a request to maintain an existing 33.14 foot high satellite earth station where such use is permitted by Satellite Antenna Permit only, and, (2) observing an 8'6" side yard where 25'0" is required. The site is located at 10555 Sorrento Valley Road, in Zone M-1A, in the Torrey Pines Community Plan area, and is further described as Lot C, in Acre Lot 9 of Sorrento Lands and Townsite, Map-483.

(Case C-19865. District-1.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: ZONE - ZONING APPEALS CASE C-19865

COUNCIL ACTION: (Tape location: A030-053.)

MOTION BY WOLFSHEIMER TO GRANT THE HEARING BASED ON THE FINDINGS THAT THE SATELLITE ISSUE IS OF CITYWIDE INTEREST. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-50: (O-88-211) ADOPTED AS ORDINANCE O-17113 (New Series)

Amending Chapter II, Article 6, of the San Diego Municipal Code, by amending Section 26.08, relating to the Citizens Advisory Board on Police/Community Relations, by adding an expert on youth as a member to the Board; and correcting the expiration date of the Board to reflect the change made by Ordinance No. O-16911 of July 27, 1987 which extended the life of the Board to August 29, 1989.

(Introduced on 6/27/88. Council voted 5-2. Districts 5 and 6 voted nay. District 3 and Mayor not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A070-080.)

CONSENT MOTION BY FILNER TO DISPENSE WITH THE READING AND ADOPT.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present,
Struiksmay-yea, Henderson-nay, McCarty-yea, Filner-yea, Mayor
O'Connor-not present.

* ITEM-51: (O-88-115) ADOPTED AS ORDINANCE O-17114 (New
Series)

Amending Chapter VI, Article 4, Divisions 3 and 5, of the
San Diego Municipal Code by amending Sections 64.0304,
64.0500 and 64.0512 and by adding a new Division 7,
Sections 64.0701 through 64.0711, all relating to Food
Establishment Wastewater ("The War on Grease"), to
facilitate inspection of wastewater dischargers, to
prohibit discharges that may obstruct or damage the
treatment facility, and to control, by permit food
establishments discharging materials into the sewer and to
require the installation and maintenance of grease
pretreatment devices.

(Introduced on 6/27/88. Council voted 7-0. District 3 and
Mayor not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A070-080.)

CONSENT MOTION BY FILNER TO DISPENSE WITH THE READING AND ADOPT.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present,
Struiksmay-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-not present.

* ITEM-52: (O-88-10 Rev. 2) ADOPTED AS ORDINANCE O-17115 (New
Series)

Amending Chapter VII, Article 5, Divisions 1 and 6, of the
San Diego Municipal Code, relating to the Paratransit Code,
by amending Sections 75.0101, 75.0102, 75.0104, 75.0105,
75.0108, 75.0111, 75.0112, 75.0113, 75.0114, 75.0116,
75.0117, 75.0120 and 75.0603, to authorize MTDB to collect
fees from the paratransit industry to recover the costs
incurred for administration and enforcement; to specify
MTDB as the City Manager's designated agent for paratransit
regulations; to clarify language relating to definitions of
"operating"; to add provisions to decrease permit transfer
eligibility from five years to one year; to increase the

period a vehicle may remain out of service from 30 days to 60 days; to redefine the types of crimes that would disqualify an individual from driving a paratransit vehicle or from a paratransit permit; to authorize fines in lieu of suspension or revocation of license or permit as a penalty for violations; to prescribe a specific dress code for paratransit drivers; to add requirements that trunks be clean and hubcaps are to be in place on paratransit vehicles; to provide for an administrative hearing and due process as the final administrative appeal remedy of a permittee or driver; and to amend Division 6 to delete references to the term "Jitney Holding Zone" and substitute the term "Passenger Loading Zone".

(Introduced on 6/27/88. Council voted 7-0. District 3 and Mayor not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A070-080.)

CONSENT MOTION BY FILNER TO DISPENSE WITH THE READING AND ADOPT.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-100:

Two actions relative to the improvement of City Heights Block Grant Alley and Sewer Main Replacement - Contract No. 7, under 1911 Act Proceedings and Resolution of Intention R-270015:
(Mid-City Community Area. District-3.)

Subitem-A: (R-88-2604) ADOPTED AS RESOLUTION R-271359

Awarding a contract to Mur-Vic Construction Co., Inc. for the improvement of City Heights Block Grant Alley and Sewer Main Replacement - Contract No. 7.

Subitem-B: (R-88-2605) ADOPTED AS RESOLUTION R-271360

Authorizing the expenditure of an amount not to exceed \$133,747.04 from Fund 18518, Dept. 5613, Org. 1301; \$9,044 from CIP-58-007, Fund 30245; and \$77,714.45 from CIP-44-001, Sewer Revenue Fund 41506, to provide funds for the above purpose and related costs.

CITY MANAGER SUPPORTING INFORMATION: The City Heights Block Grant Alley and Sewer Main Replacement - Contract No. 7

Assessment District is the seventh project in the City Heights community area. The project improvements consist of grading and paving three alleys. One of the alleys, which was improved many years ago by assessment district, is in deteriorated condition. The cost of paving this alley will be paid by the City. One of the alleys will have the existing sewer main replaced because of its deteriorated condition and inadequate capacity. Alley improvements are being financed under the CDBG/Assessment District cost sharing program and sewer replacement costs are funded by the City Sewer Main Replacement Annual Allocation. The lowest of four bids received was from Mur-Vic Construction Co., Inc., in the amount of \$184,814.95, which is 5.5 percent higher than the estimate of \$175,081.30. Although the cost for the total project increased, the alley improvement portion, which is paid for in part by the assessment district, decreased resulting in the assessments to property owners being decreased approximately 17.8 percent under what they were noticed for the February 1988 public hearing.

Aud. Cert. 8801114.

WU-E-88-147.

FILE LOCATION: STRT D-2271 CONTFY89-1

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-101:

Two actions relative to the improvement of Project First Class Alley and Sewer Replacement - Contract No. 2, under 1911 Act Proceedings and Resolution of Intention R-269548: (Southeast San Diego Community Area. District-4.)

Subitem-A: (R-88-2606) ADOPTED AS RESOLUTION R-271361

Awarding a contract to Sapper Construction Co., Inc. for the improvement of Project First Class Alley and Sewer Replacement - Contract No. 2.

Subitem-B: (R-88-2607) ADOPTED AS RESOLUTION R-271362

Authorizing the expenditure of an amount not to exceed \$190,072.28 from Fund 18522, Dept. 5863, Org. 6304; \$15,547.20 from CIP-58-007, Fund 30244; and \$100,567.20 from CIP-44-001, Sewer Revenue Fund 41506, to provide funds

for the above purpose and related costs.

CITY MANAGER SUPPORTING INFORMATION: The Project First Class Alley and Sewer Replacement - Contract No. 2 Assessment District is the second project in the Project First Class area. The project improvements consist of grading and paving five alleys. Some of the alleys will have the existing sewer mains replaced because of their deteriorated condition and inadequate capacity. Alley improvements are being financed under the CDBG/Assessment District cost sharing program and sewer replacement costs are funded by the City Sewer Main Replacement Annual Allocation. The lowest of three bids received was from Sapper Construction Co., Inc., in the amount of \$244,948, which is 13.6 percent lower than the estimate of \$283,414. Although the cost for the total project decreased, the alley improvement portion, which is paid for in part by the assessment district, increased resulting in the assessments to property owners being increased approximately 10 percent over what they were noticed for the December 1987 public hearing.

Aud. Cert. 8801078.

WU-E-88-140.

FILE LOCATION: STRT D-2267 CONTFY89-1

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-102: (R-88-2544) ADOPTED AS RESOLUTION R-271363

Awarding a contract to San Diego Blueprint Co. for the purchase of blueline, brownline and blackline paper, as may be required for a period of one year beginning August 1, 1988 through July 31, 1989, for an estimated cost of \$26,243.68, including tax, with an option to renew the contract for an additional one year period and price escalation not to exceed 5 percent of the base year prices.
(BID-9814)

FILE LOCATION: MEET CONTFY89-1

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-103: (R-88-2547) ADOPTED AS RESOLUTION R-271364

Awarding a contract to U.S. Battery Mfg. Co. for furnishing the City and other local agencies with wet charged and maintenance free storage batteries, as may be required for a period of one year beginning July 1, 1988 through June 30, 1989, for a total estimated cost of \$62,000, including tax and terms, with an option to renew the contract for an additional one year period. (BID-9837.

FILE LOCATION: MEET CONFY89-1

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-104: (R-88-2542) ADOPTED AS RESOLUTION R-271365

Awarding a contract to Solana Beach Transfer, Inc. for furnishing office relocation services, as may be required for a period of one year beginning August 1, 1988 through July 31, 1989, for an estimated cost of \$37,000, with options to renew the contract for four additional one year periods, with price escalations each year not to exceed 10 percent of the bid prices in effect at the end of the prior year; authorizing contingency contracts for furnishing office relocation services with the second, third and fourth low bidders, Pacific Van Lines, Inc., Across Town Movers and Chula Vista Transfer, Inc., dba San Diego Moving and Storage, in the event the primary contractor is unable to perform at any time during the contract period. (BID-9728)

FILE LOCATION: MEET CONFY89-1

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-105: (R-88-2548) ADOPTED AS RESOLUTION R-271366

Awarding a contract to San Diego Police Equipment for furnishing factory ammunition, as may be required for a period of one year beginning July 1, 1988 through June 30, 1989, for an estimated cost of \$130,593, including tax and terms. (BID-9838)

FILE LOCATION: MEET CONFY89-1

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-106: (R-88-2545) ADOPTED AS RESOLUTION R-271367

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Inviting bids for the Construction of Sewer Replacement Group 85 on Work Order No. 170721; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of an amount not to exceed \$1,468,598 from Sewer Revenue Fund 41506, CIP-44-001, Annual Allocation - Main Replacement, for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-9864)

(Pacific Beach Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: Sewer Group 85 will replace 9,333 lineal feet of sewers and will line 2,408 lineal feet of old and deteriorated concrete sewer mains.

Specifications for Group 85 require lining the inside of the pipe, in lieu of replacement, for mains located in residential backyards and sideyards. Insituform lining will be applied to the inside of the existing pipes from the existing manholes, therefore eliminating the need for excavation in private properties. This is a new technique that is being used in the City for the first time. This project is included in the Regional Water Quality Control Board compliance schedule which mandates completion of construction by January 1, 1992. This project is also part of the approved accelerated replacement program for the Pacific Beach area. This accelerated program committed \$92.5 million to Capital Projects to replace, repair, expand, and improve the sanitary sewer system surrounding Mission Bay. With the addition of this project, 21.02 miles, or 57 percent, of the existing concrete mains have been replaced or will be under construction.

Aud. Cert. 8900025.

WU-P-88-138.

FILE LOCATION: W.O. 170721 CONT - Engicon CONTFY89-1

COUNCIL ACTION: (Tape location: A104-120.)

MOTION BY HENDERSON TO ADOPT. Second by McCarty. Passed by the

following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-107: (R-88-2546) ADOPTED AS RESOLUTION R-271368
19880711

Inviting bids for the Construction of Sewer Replacement Group 86 on Work Order No. 170731; authorizing the execution of contract with the lowest responsible bidder; authorizing the expenditure of an amount not to exceed \$1,887,588 from Sewer Revenue Fund 41506, CIP-44-001, Annual Allocation - Main Replacement, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-9865)

(Pacific Beach Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: Sewer Group 86 will replace 12,796 lineal feet of sewers and will line 968 lineal feet of old and deteriorated concrete sewer mains.

Specifications for Group 86 require lining the inside of the pipe, in lieu of replacement, for mains located in residential backyards and sideyards. Insituform lining will be applied to the inside of the existing pipes from the existing manholes, therefore eliminating the need for excavation in private properties. This project is included in the Regional Water Quality Control Board compliance schedule which mandates completion of construction by January 1, 1992. This project is also part of the approved accelerated replacement program for the Pacific Beach area. This accelerated program committed \$92.5 million to Capital Projects to replace, repair, expand, and improve the sanitary sewer system surrounding Mission Bay. With the addition of this project, 23.63 miles, or 64 percent, of the existing concrete mains have been replaced or will be under construction.

Aud. Cert. 8900024.

WU-P-88-137.

FILE LOCATION: W.O. 170731 CONT - Duarte & Baum Inc.
CONFY89-1

COUNCIL ACTION: (Tape location: A121-124.)

MOTION BY HENDERSON TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-108: (R-88-2592) ADOPTED AS RESOLUTION R-271369

Approving the final map of Albukhary Subdivision, a one-lot subdivision located northwesterly of Prospect Street and Fay Avenue.

(La Jolla Community Area. District-1.)

FILE LOCATION: SUBD - Albukhary Subdivision

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-109:

Two actions relative to the final subdivision map of N.C.W.

Neighborhood 7, Unit 6C, a 9-lot subdivision located

northeasterly of El Camino Real and Del Mar Heights Road:

(North City West Community Area. District-1.)

Subitem-A: (R-88-2624) ADOPTED AS RESOLUTION R-271370

Authorizing the execution of a Subdivision Improvement

Agreement with Pardee Construction Company for the

installation and completion of public improvements.

Subitem-B: (R-88-2623) ADOPTED AS RESOLUTION R-271371

Approving the final map.

FILE LOCATION: SUBD - N.C.W. Neighborhood 7, Unit 6C

CONFY89-1

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-110: (R-88-2628) ADOPTED AS RESOLUTION R-271372

Granting an extension of time to March 10, 1989, to Lusk

Mira Mesa, subdivider, to complete the improvements

required in Lusk Industrial Park Unit No. 4.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On December 12, 1983,

the City entered into an agreement with Lusk Mira Mesa, a

limited partnership, for the construction of public improvements

for Lusk Industrial Park Unit No. 4. The agreement expired on

December 12, 1985. The subdivider has requested a time extension to March 10, 1989. A new estimate and bond in the amount of \$2,418,016 have been submitted. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to service adjacent developments or the general public. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD - Lusk Industrial Park Unit No. 4

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-111: (R-88-2616) ADOPTED AS RESOLUTION R-271373

Authorizing the expenditure of an amount not to exceed \$101,528 from FBA 79002, Revenue Account 072622, CIP-52-382, El Camino Real Improvement, for the settlement of a condemnation proceeding titled, "City of San Diego v. Revelle", Superior Court Case 568569, and the transfer of an amount not to exceed \$101,528 from FBA Fund 79002 (North City West) to CIP-52-382 (El Camino Real Improvement) to supplement funds previously authorized by R-266238 on July 15, 1986.

(North City West Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On May 10, 1988, the City Council voted in closed session to settle City of San Diego versus Revelle, Superior Court Case 568569, in the total sum of \$825,000 plus interest which has accrued on the condemnation deposit of \$623,325 placed with the court when eminent domain proceedings to acquire right-of-way for El Camino Real were filed. These proceedings were authorized by City Council Resolution R-266237, adopted July 15, 1986, which affects the roadway from Half Mile Drive on the south to San Dieguito Road on the north.

Aud. Cert. 8801092.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-ineligible, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-112: (R-88-2601) ADOPTED AS RESOLUTION R-271374

Authorizing the City Auditor and Comptroller to transfer \$25,000 from Fire Department Fiscal Year 1988 Operating Budget, Dept. 120, Object Account 4151, Job Order 2600, to the Allocated Reserve to provide for a Test Validation Study Consultant for the Fire Fighter Series.

CITY MANAGER SUPPORTING INFORMATION: Negotiations to award a contract for a test validation study of the Fire Fighter I, II and III series are currently in process. Due to the time required to complete the process, the contract could not be awarded prior to June 30.

Aud. Cert. 8801115.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-113: (R-89-13 Rev.1) ADOPTED AS RESOLUTION R-271375

19880711

Amending Resolution R-271242, adopted on June 22, 1988, which establishes and schedules Council meeting dates and times during the month of July, 1988 for Growth Management purposes, by adding to and amending Section 2 to schedule a regular meeting of the City Council at 10:00 a.m. on Monday, July 18, 1988; waiving the Permanent Rules of the Council (San Diego Municipal Code Section 22.0101), for this purpose.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-114: (R-88-2608) ADOPTED AS RESOLUTION R-271376

Authorizing the execution of a second amendment to the agreement with American Red Cross, San Diego/Imperial Counties Chapter, to provide lift-equipped transportation to eligible Dial-A-Ride passengers; authorizing the expenditure of an amount not to exceed \$198,430 from Fund 19631, Dept. 8990, Org. 221, for the above purpose; authorizing the City Auditor and Comptroller, upon advice

from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION: The American Red Cross is under contract to the City of San Diego to provide lift-equipped transportation to eligible Dial-A-Ride passengers in the central area of the City including Mira Mesa. The current agreement was entered into August 18, 1986 for 10 months and extended for one year, through June 30, 1988, by the Manager (Document No. C02393, dated December 16, 1987). This second amendment continues the existing agreement for service through June 30, 1989, decreases the maximum per hour compensation rate from \$27.94 to \$26.82, and increases total compensation for the 3 year period to \$567,714. In addition, we are enlarging the contract service area to include Mira Mesa in response to increased requests for service there. The hourly compensation rate decrease is a result of discontinuation of service on Saturdays due to lack of sufficient demand to justify scheduling of service. The City, however, reserves the right to restore Saturday service if demand increases. Saturday service will increase the maximum overall hourly compensation rate back to \$27.94.

Aud. Cert. 8900038.

FILE LOCATION: MEET CONTFY89-1

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-115: (R-88-2512) ADOPTED AS RESOLUTION R-271377

Authorizing the City Manager to execute a first amendment to the agreement with San Diego County Office of Education for production of 3/4-inch broadcast quality videotapes of Monday afternoon City Council meetings authorized by Resolution No. R-269289, adopted on September 21, 1987, to increase the contract amount from \$57,200 to \$70,700; authorizing the expenditure of an amount not to exceed \$13,500 from Fund 100, Dept. 601, Org. 102, Acct. 4151, Job Order 60102, to supplement funds previously authorized by Resolution No. R-269289.

CITY MANAGER SUPPORTING INFORMATION: On September 21, 1987, the City of San Diego entered into a 13-month agreement with the San Diego County Office of Education for production and transmission of Monday afternoon City Council meetings from July

1, 1987 to July 31, 1988. The estimated cost of services under this agreement was \$57,200, based on an historical average duration of three hours for each of the Council meetings. The agreement also provided that the San Diego County Office of Education would bill the City at \$926 for the first two hours of each meeting and \$6.05 per minute for subsequent time. However, the duration of this year's City Council meetings has been longer than expected, and, in order to continue cablecast production, the agreement must be amended to increase the authorized amount from \$57,200 to \$70,700. The \$13,500 increase needed is available in the Council Cablecast appropriation because 1) most of the appropriation for advertising was not expended this year, and 2) the \$6,600 trust fund previously set up several years ago for community and business contributions toward the cablecasts was used to pay for 1 1/2 meetings this year.

Aud. Cert. 8801062.

FILE LOCATION: MEET CONFY89-1

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-116: (R-88-2625) ADOPTED AS RESOLUTION R-271378

Authorizing the execution of an agreement with the County of San Diego for safeguarding property of the mentally deficient; authorizing the expenditure of an amount not to exceed \$69,000 from Fund 100, Dept. 110, Account 4229 for the purpose of providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION: Section 5150 of the Welfare and Institutions Code requires that a peace officer taking a mentally deficient person into custody take "reasonable precaution to preserve and safeguard the personal property in the possession of or on the premises occupied by the person". The City assumes this safeguarding responsibility whenever its police officers transport a prisoner to a mental facility. Typical tasks are: locate/tow/store vehicle; inventory possessions in residence; consult with apartment manager regarding lease; move/store possessions; file paper work with the Court; collect mail daily. The City has contracted with the County for safeguarding the property of the mentally deficient since 1973 (prior to which the County had the responsibility). Analysis done at that time, in 1982, and again in 1984 showed

that the cost of performing this service with City employees would be greater than the cost of contracting with the County. The amendment before Council today alters the existing contract by allowing for: 1) annual renewal of the contract; and 2) annual change of rate as the wage scale for County employees and/or fixed costs increase. Since July, 1984 the City has paid \$61/case recorded with the court. With this agreement the rate will be \$80.98 for an anticipated 850 cases.
Aud. Cert. 8900041.

FILE LOCATION: MEET CONTFY89-1

COUNCIL ACTION: (Tape location: A125-178.)

MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-117: (R-88-2642) ADOPTED AS RESOLUTION R-271379

Authorizing the execution of a fourth amendment to the agreement with Nasland Engineering, Inc. for engineering design services for development of the First San Diego River Improvement Project (FSDRIP) under the provisions of the Improvement Act of 1913; authorizing an increase of \$211,500 for consultant services from FSDRIP, Fund 79364; authorizing the expenditure of an amount not to exceed \$211,500 from FSDRIP 79364 for the purpose of providing funds for the above project.

(Mission Valley Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On November 18, 1985, the City of San Diego entered into an agreement with Nasland Engineering, Inc., a California corporation, for engineering design services for development of the First San Diego River Improvement Project (FSDRIP) which will provide for the channelization of the San Diego River for 100-year flood protection. The two existing river crossings at Mission Center Road and Stadium Way will be upgraded to the 10-year flood level and a new crossing at Camino del Este will be constructed. This fourth amendment to the agreement requests that \$211,500 be added for consultant services. Of this amount, \$150,000 is necessary for additional work required for soils engineering by the subconsultant (Woodward-Clyde). Also, \$32,300 is requested for additional consultant services during the construction phase by Nasland Engineering, plus \$29,200 for additional services if necessary. The primary reason for this amendment is the discovery of undocumented soil that is unsuitable for project

use. This additional work is causing a longer grading schedule by the contractor than had been anticipated. It has necessitated additional preliminary and exploratory soils tests, and the additional earthwork requires significantly more soils testing, analyses, and inspection during construction than had been previously included in the engineering contract by the design consultant and the soils subconsultant.
Aud. Cert. 8801152.

FILE LOCATION: STRT D-2256 CCONFY89-1

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-118: (R-88-2584) ADOPTED AS RESOLUTION R-271380

Authorizing the execution of an agreement with Sharp HealthCare to provide fitness profile appraisals and education and training services to all sworn members of the San Diego Police Department; authorizing the expenditure of an amount not to exceed \$153,500 from Fund 100, Department 110, Organization 320, Object Account 4222 for Fiscal Year 1989 for the purpose of providing funds for the above project.

(See City Manager Report CMR-88-331.)

CITY MANAGER SUPPORTING INFORMATION: The San Diego Police Department wishes to enhance the physical fitness level of all San Diego Police Officers. The Department is prepared to introduce a mandatory fitness program. A portion of the fitness program will require quarterly testing of all sworn personnel in the areas of cardiovascular condition, strength, flexibility and body composition. Prior to quarterly testing, a fitness profile appraisal will be administered to all sworn personnel. Fitness appraisals are a combination of health habits, a family health history questionnaire and several fitness screening tests used to prescribe a fitness/wellness program for each officer. Proposals were solicited for a qualified medical services provider to conduct fitness profile appraisals. Five proposals were received and evaluated by a panel of health care professionals and police department personnel. Sharp Hospital received the unanimous recommendation of the panel.
Aud. Cert. 8900021.

FILE LOCATION: MEET CONFY89-1

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-119: (R-88-2458) ADOPTED AS RESOLUTION R-271381

Authorizing the execution of a first amendment to the lease agreement with South Bay Airport Company, Inc., which commenced November 1, 1986, for the purpose of extending the lease term from three years to five years.

(Otay Mesa Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: South Bay Airport Co.,

Inc. has been a lessee and fixed base operation at Brown Field

Airport for approximately sixteen years. The first amendment

will extend the term of the existing three-year lease agreement,

adopted by the City Council on October 27, 1986, from three

years to five years, with a 180-day termination clause upon

written notification by either party. The lessee is requesting

the lease extension at this time to allow him adequate time to

amortize the cost of installing two temporary hangars. Both the

lessee and the City desire installation of the hangars because

all work is currently performed on the bare ground or ramp.

Installation of the hangars would provide a safer work area,

plus better security for aircraft and equipment. The premises

are planned for development in 3-5 years in accordance with the

approved Brown Field Master Plan. The extension of the lease

term will allow the lessee to continue operation on the

leasehold during the interim period. The lessee has been paying

only the minimum rental amount. The current lease contains the

most recently approved percentage rent schedule. The City will

continue to receive \$7,200 minimum annual rent or percentage

rents, whichever is greater. This amendment allows an

adjustment of the minimum annual rent at the end of the third

lease year for the remaining term based either on Consumer Price

Index or 80 percent of the annual average rents paid to the City

during the previous two years, depending upon the rental market

on the airport at the time of the rent adjustment.

FILE LOCATION: LEAS - South Bay Airport Company, Inc.

LEASFY89-1

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-120: (R-88-2590) ADOPTED AS RESOLUTION R-271382

Authorizing the execution of an agreement with Tierrasanta L-L Partnership for F.B.A. credits in exchange for grading Tierrasanta Via Norte Neighborhood Park.
(Tierrasanta Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: The subdivider of Tierrasanta Norte II is required by the Resolution approving the Tentative Map to grade the City owned park site known as "Tierrasanta Via Norte Neighborhood Park", and to enter into an agreement with the City specifying the compensation for work being done on the park site. The Tierrasanta "Public Facilities Financing Plan and Facilities Benefit Assessment" approved by Council on November 17, 1987, provides that the subject park is to be improved by the developer in lieu of park fees and/or F.B.A. charges. The proposed agreement provides that the subdivider rough grade the park site at an estimated cost of \$268,100 and the City grant credits in the same amount to be applied to future F.B.A. fees applicable to building permits on lots within Tierrasanta Norte II subdivision. This agreement only covers the rough grading of the site. A similar agreement for the public improvements necessary to serve the property and development of the park facilities will come later. The grading is being done in connection with Tierrasanta Norte II, Unit 2, under Special Engineering Permit No. 1333, for which a bond in the amount of \$1,431,343 has been posted.

FILE LOCATION: SUBD - Tierrasanta Norte II CONTFY89-1

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-121: (R-88-2529) ADOPTED AS RESOLUTION R-271383

Authorizing the City Manager to accept the proposal from WESTEC Services, Inc.; authorizing the execution of an agreement with WESTEC Services, Inc. to provide consultant services for Phase I of the Rimbach Site Archaeological Program; authorizing the expenditure of an amount not to exceed \$35,000 from CIP-39-103.0, Industrial Development Fund 30248, Rimbach Property, for the purpose of providing funds for the above project.
(Sorrento Hills Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The Rimbach property consists of approximately 12 acres in Sorrento Valley between Sorrento Valley Road and Interstate 805 near the Carroll Canyon Road interchange. The development of this M-1A zoned City property is desirable to generate revenue to underwrite City capital improvement projects. However, the Rimbach Site (SDi-4513) is part of a series of archaeological sites which collectively form the ethnohistoric village of Ystagua, and was set aside for archaeological preservation purposes in 1975 as part of a land exchange in association with the Lion Research Park industrial project (EQD No. 74-0511). In addition, the site has been placed on the National Register of Historic Places. In order to determine the actual boundaries of the Rimbach Archaeological site and to determine if portions (or all) of the site should be preserved, the services of an archaeological consultant are required for the determination of significance and development of a preservation or preservation/mitigation program for the site. Five archaeological consultants responded to the Request for Proposal for archaeological consulting services and submitted proposals for consideration in the selection process in accordance with Council Policy 300-7 and Administrative Regulations 25-60. The three member selection committee was comprised of two representatives from the City Planning Department and one from Engineering and Development Department, Development Services. The firm WESTEC Services, Inc. was unanimously recommended by the selection committee as the consultant for this project. The consultant will provide services for Phase I of the archaeological program for the Rimbach Site.
Aud. Cert. 8801121.

FILE LOCATION: MEET CCONFY89-1

COUNCIL ACTION: (Tape location: A179-230.)

MOTION BY STRUIKSMA TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-200: (O-88-155 Rev.1) REINTRODUCED AS AMENDED, TO BE ADOPTED JULY 25, 1988

(Continued from the meeting of June 20, 1988, Item 50, at Council Member Henderson's request, to allow time for the PSS Committee to review on July 6, 1988.)

Amending Chapter IV, Article 2, Division 1, by repealing Section 42.0132 relating to Health Regulated Establishments

- Vending Vehicles - Parking Regulated and Chapter V, Article 4, Division 1, of the San Diego Municipal Code by adding Section 54.0122, relating to Regulating Sales from Vending Vehicles and Mobile Food Units (Hot Trucks) to:

- 1) Prohibit vending from vehicles on streets or highways unless lawfully parked and with a ten-foot safety zone in front and rear;
- 2) Prohibit vending from vehicles and pushcarts on public property and sidewalks without a permit issued by the City Manager or Planning Department as appropriate;
- 3) Prohibit vending from vehicles on private property unless in conformity with zoning and land use regulations and permits;
- 4) Regulate vending from vehicles within 500 feet of a school building while school is in session.

(Introduced on 6/6/88. Council voted 7-0. Districts 3 and 4 not present.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A242-B160.)

Motion by Henderson to refer to the Public Service and Safety Committee to look at the issue regarding pedestrian safety.

Second by McCarty. Failed: Yeas-6,7,8. Nays-1,2,3,4,5. Not present-M.

MOTION BY ROBERTS TO APPROVE THE AMENDMENT TO THE ORIGINAL LANGUAGE OF PAGE 4 (C) ON THE GREEN SHEET BY INSERTING THE WORDS "FIRST" AND "THEN REMAINS", TO READ: "NO FOOD...SHALL BE SOLD OR DISTRIBUTED...FROM A VEHICLE ON A STREET...UNLESS THE VEHICLE IS FIRST LAWFULLY PARKED OR STOPPED AND THEN REMAINS FOR NO LONGER A PERIOD OF TIME THAN IS NECESSARY TO COMPLETE THE IMMEDIATE SALE. AN OPERATOR IS CONSIDERED TO BE ENGAGED IN AN "IMMEDIATE SALE" WHEN THERE ARE PATRONS WAITING IN LINE FOR SERVICE." Second by Pratt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

MOTION BY FILNER TO APPROVE THE ORIGINAL ORDINANCE LANGUAGE ON THE YELLOW SHEET. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-201: (O-88-215) INTRODUCED, TO BE ADOPTED JULY 25, 1988

Introduction of an Ordinance authorizing the execution of a Memorandum of Understanding between the City of San Diego

and the Metropolitan Transit Development Board for the Administration of a Transit Shelter and Bus Bench Program. (See City Manager Report CMR-88-333.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B161-C395.)

Motion by Filner to approve with the provision in Section F under "permissible signage" to state: "Ads regarding alcoholic or tobacco products are prohibited." Second by Pratt. No vote. Motion by Henderson to amend the motion by deleting Council Member Filner's provision on the ads content and approving the City Manager's recommendation. Refer the issue with respect to the alcohol and smoking advertising ban to the Rules Committee. Second by McColl. Passed: Yeas-1,2,3,6,7. Nays-4,5,8. Not present-M.

MOTION BY HENDERSON TO INTRODUCE THE ORIGINAL ORDINANCE. Second by McColl. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, McColl-yea, Pratt-yea, Struiksmay-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-202: (R-88-1864) ADOPTED AS RESOLUTION R-271384

(Continued from the meetings of June 6, 1988, Item 105, and June 27, 1988, Item 202; last continued at Council Member Henderson's request, to allow Deputy Mayor McColl to be present.)

Awarding a contract to Pedersen Tree Service for furnishing weed and rubbish abatement, as may be required for a period of 11 months beginning May 1, 1988 through March 31, 1989, for an estimated cost of \$24,500, including tax and terms, with an option to renew the contract for an additional one-year period, with price increases during option year not to exceed 15 percent of the original contract pricing. (BID-9613)

(See City Manager Report CMR-88-316.)

FILE LOCATION: MEET CONFY89-1

COUNCIL ACTION: (Tape location: C396-D078.)

MOTION BY HENDERSON TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmay-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-203: (R-88-2491) CONTINUED TO AUGUST 1, 1988

(Continued from the meetings of June 20, 1988, Item 129,

and June 27, 1988; last continued at the City Manager's request, to allow Deputy Mayor McColl to be present.) Authorizing the City Manager to declare the contract with Montoya-Hermes for the Mid-City Commercial Revitalization Project - Public Improvements, Phase I, to be in default for failure to complete the work in a timely manner and to terminate the contract; directing the City Attorney to take the necessary actions to recover costs associated with the termination in accordance with the contract agreement; declaring Montoya-Hermes to be a non-responsive contractor; directing the Purchasing Agent not to consider any future bids submitted by their company for a period of three years.

(Mid-City Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: Montoya-Hermes has not diligently prosecuted the contract work to completion in accordance with Section 6-2 of the Standard Specifications for Public Works Construction. As of May 2, 1988 the contract is 47 days beyond the required completion date. There is a 90-day maintenance and plant establishment period that has not yet started. These days are subject to liquidated damages at a rate of \$200 per calendar day. The bonding company, Fairmont Insurance Company, has been requested to complete the project.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A054-070.)

MOTION BY WOLFSHEIMER TO CONTINUE TO AUGUST 1, 1988, AT ASSISTANT CITY MANAGER McGRORY'S REQUEST. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-204:

Three actions relative to vacating an excess portion of a street reservation:

(See City Manager Report CMR-88-330. Southeast San Diego Community Area. District-4.)

Subitem-A: (R-88-2579) ADOPTED AS RESOLUTION R-271385

Vacating the excess portions of the street reservation located within Lot 2 of Map-7215 and Lot 3 of Map-4187 and located westerly of Euclid Avenue, pursuant to Section 8330 et seq. of the California Streets and Highways Code.

Subitem-B: (R-88-2580) ADOPTED AS RESOLUTION R-271386

Approving the acceptance by the City Manager of those sewer easement deeds of Southeast Medical Center Associates and of Franklyn C. Creveling Trust and Betty C. Creveling Trust, granting to the City easements for sewer purposes in a portion of Lot 2 of Map-7215 and Lot 3 of Map-4187.

Subitem-C: (R-88-2581) ADOPTED AS RESOLUTION R-271387

Certifying that the information contained in Environmental Negative Declaration END-87-0833, in connection with Euclid Center (SESD/PCD-87-0833), has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto, and has been reviewed and considered by the Council.

FILE LOCATION:

Subitem A DEED F-4523;

Subitem B DEED F-4524

Subitem C STRT J-2689; DEEDFY89-2

COUNCIL ACTION: (Tape location: A230-241.)

MOTION BY ROBERTS TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-205: (R-88-2603) ADOPTED AS RESOLUTION R-271388

Authorizing the execution of a five-year lease agreement with Sports Medicine Training and Rehabilitation Center for 1,265 square feet of medical office space at San Diego Jack Murphy Stadium at an initial monthly rental rate of \$1,442 to be adjusted on an annual basis to reflect increases in the Consumer Price Index.

(Mission Valley Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: Sports Medicine Training and Rehabilitation Center leases 1,265 square feet of office space on the Plaza Level of San Diego Jack Murphy Stadium. The lessee provides physical therapy and related medical services. The existing five-year lease has expired and is now on holdover, and the lessee requests a new five-year lease. The monthly rent is presently .92 cents per square foot and will be increased in the new lease to \$1.14 per square foot, which is the office rental rate currently in effect at the Stadium for new leases.

The initial monthly rental amount of \$1,442 will be adjusted on an annual basis to reflect increases in the Consumer Price Index. The proposed lease is acceptable to Stadium management and was unanimously recommended for approval by the Stadium Authority at its June 2, 1988 meeting.

FILE LOCATION: LEAS - Sports Medicine Training and Rehabilitation Center LEASFY89-1

COUNCIL ACTION: (Tape location: A230-241.)

MOTION BY ROBERTS TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S400:

(Continued from the meeting of July 5, 1988, Item S403, at the City Manager's request, to complete documents for dedication of land for open space.)

Four actions relative to the final subdivision map of Tierrasanta Norte VII, a 49-lot subdivision located northeasterly of Santo Road and Clairemont Mesa Boulevard: (Tierrasanta Community Area. District-7.)

Subitem-A: (R-88-2630) ADOPTED AS RESOLUTION R-271389
Authorizing the execution of a Subdivision Improvement Agreement with Tierrasanta L-L Partnership for the installation and completion of public improvements.

Subitem-B: (R-88-2629) ADOPTED AS RESOLUTION R-271390
Approving the final map.

Subitem-C: (R-88-2631) ADOPTED AS RESOLUTION R-271391
Setting aside easements in City-owned land, being a portion of Parcel 1 of Parcel Map PM-8547; dedicating said land as and for a public street and naming the same Portobelo Drive.

Subitem-D: (R-88-2632) ADOPTED AS RESOLUTION R-271392
Approving the acceptance by the City Manager of a grant deed of Tierrasanta L-L Partnership, granting to the City all of Lots 47, 48 and 49 of Tierrasanta Norte VII.

NOTE: See Item S401 for a companion item.

FILE LOCATION:

Subitems A and B SUBD - Tierrasanta Norte
VII;

Subitem C DEED F-4518;

Subitem D DEED

F-4519 DEEDFY89-2;CONTFY89-1

COUNCIL ACTION: (Tape location: A230-241.)

MOTION BY ROBERTS TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S401: (R-88-2659 Rev.1) ADOPTED AS RESOLUTION R-271393

Approving the acceptance by the City Manager of four grant deeds of Tierrasanta L-L Partnership, granting to the City portions of Parcels 2, 9 and 10 of Parcel Map PM-14737, totaling 2.81 acres, for park and open space purposes; approving the acceptance by the City Manager of a Deed of Release, which deed releases open space restrictions over portions of Parcels 1 and 2 of Parcel Map PM-8547; dedicating Parcels A, C-1 and C-2 of said Deed of Release for public streets, and Parcels A and C-1 and naming the same Portobelo Drive, and Parcel C-2 Camino Playa Baja. (Tierrasanta Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: It is requested that four grant deeds executed by Tierrasanta L-L Partnership conveying 2.81 acres to the City in connection with the filing of Tierrasanta Norte 7 be authorized for acceptance by the City Manager. It is also requested that the quitclaim deed from the National Park Service which quitclaims restrictions reserved by the National Park Service over lands conveyed to the City by deed dated December 17, 1979, be authorized for acceptance. Upon accepting the 2.81 acres, it is requested that the City set aside 1.13 (see Exhibits A and B of National Park Service quitclaim) acres for street dedications. This transaction will allow the developer to meet the requirements imposed on them by the City for the development of Portobelo Drive and Camino Playa Baja.

NOTE: See Item S400 for a companion item.

19880711

FILE LOCATION: DEED F-4525 DEEDFY89-4

COUNCIL ACTION: (Tape location: D079-140.)

MOTION BY McCARTY TO ADOPT AS AMENDED WITH THE PROVISION THAT TITLE TAKES PLACE AFTER THE SWEEPING HAS BEEN ACCOMPLISHED.

Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-not present.

ITEM-S402: (R-89-14) ADOPTED AS RESOLUTION R-271394

Approving the application for grant funds from the Wildlife
Conservation Board for the reconstruction of the Ocean
Beach Pier.

(Ocean Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Council has appropriated \$835,000 for the Ocean Beach Pier Reconstruction Project in the FY 1989 CIP Budget. Inclusion of this project was predicated on the understanding that matching funds in the amount of \$500,000 could be obtained from the Wildlife Conservation Board (WCB). The Board's staff has encouraged the City to pursue the matching funds if City funds were allocated for the project. This resolution will authorize the City Manager to formally submit this project to the Wildlife Conservation Board for its consideration. Upon approval of this project by the WCB's Board of Directors, a cooperative agreement must be entered into between the State of California and the City of San Diego as the local cooperating agency. The City must adhere to the following terms and conditions as set forth in the cooperative agreement:

1. The local agency will provide matching funds for pier development and rehabilitation projects.
2. The pier project will provide recreation, primarily fishing.
3. The local agency owns or has an interest in the land needed for the project and will provide the State with a free lease, or other proprietary interest, for a 25-year period.
4. The local agency will agree to enter into an agreement for operation and maintenance for a minimum 25-year period.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A230-241.)

MOTION BY ROBERTS TO ADOPT. Second by Struiksmayea. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S403: (R-89-24) ADOPTED AS RESOLUTION R-271395

Authorizing the execution of a Settlement Agreement with Chargers Associates and Chargers Football Company, amending the agreements regarding skyboxes and use and occupancy of San Diego Jack Murphy Stadium.

(See City Manager Report CMR-88-355. Mission Valley Community Area. District-5.)

19880711

FILE LOCATION: LEAS - Stadium - Mission Valley Charger
Football Company LEASFY89-2

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-S404: (R-88-2655) ADOPTED AS RESOLUTION R-271396

Extending the expiration date of the San Diego Dr. Martin Luther King, Jr. Citizens' Tribute Ad Hoc Committee, established by Council Resolution R-270062, to September 30, 1988.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-S405: (R-89-28) ADOPTED AS RESOLUTION R-271397

A Resolution approved by the City Council in Closed Session on June 21, 1988 by the following vote: Wolfsheimer-yea; Roberts-not present; McColl-not present; Pratt-yea; Struiksma-not present; Henderson-yea; McCarty-yea; Filner-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$35,000 in the settlement of each and every claim against The City of San Diego, its agents and employees, Superior Court Case No. 591577, John Krizan v. City of San Diego, et al., resulting from the personal injuries to John Krizan; authorizing the City Auditor and Comptroller to issue one check in the amount of \$35,000 made payable to John Krizan and his attorney, William Winship, in full settlement of

the lawsuit and of all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the personal injury claim of John Krizan as a result of the incident of February 1, 1987.

Aud. Cert. 8801159.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A081-103.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

None.

PUBLIC COMMENT:

ITEM-PC-1: Comment by Phyllis E. Bailey.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D141-200.)

PUBLIC COMMENT:

ITEM-PC-2: Comment by Rose Lynne.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D141-200.)

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor McColl at 4:30 p.m. in honor of the memory of Ted Mason.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D201-215.)